

the Federal Government. More people get more dollars in support of their needs, rather than more bureaucrats getting more dollars in support of their needs.

So the statement that we are cutting Medicare is inaccurate on its face. We are increasing Medicare spending by almost \$349 billion over what would be a freeze level of 6.4 percent annually, a huge increase. Probably most healthy, it will still be the fastest growing function of the Federal Government.

Yet, if you were to listen to this news report, you would presume that we were slashing Medicare in order to increase defense. Well, Medicare will be the largest and fastest growing function of the Federal Government as result of this conference report.

And what will happen to defense? It goes down. It does not go up, it goes down. The representation that we are increasing defense spending is once again on its face wrong. If you were to take today's defense number and freeze it for 7 years, of that number defense spending will go down by \$15 billion over next 7 years. Essentially, it is flat funding. That would be the best way to describe it. But in real terms, it goes down \$15 billion.

So the Defense Department accounts go down, and the Medicare accounts go up dramatically, which is the policy that is correct, by the way. That is exactly what we should be doing. We should be trying to get the Medicare system into a position where we can afford it, and into a position where the trust fund will be solvent. We must face the fact that we are going to have to downsize the military in the face of the post-cold-war period, and as a result of downsizing the military, less military spending will occur.

This is what this conference accomplishes. Overall, what the conference accomplishes is something that no other Congress has been able to do for 25 years. It balances the Federal budget. It slows the rate of growth of the Federal Government. It does not actually cut spending over that period, overall Federal outlays. In fact, overall Federal outlays will go from \$1.5 trillion in 1995 up to \$1.875 trillion in the year 2002. There will be an annual rate of growth of the Federal Government of 3 percent. But, as I stated earlier, in getting to a balanced budget, it eliminates almost \$1 trillion of what would have been deficit spending had we stayed on the glidepath presented by the President. Well, there was no glidepath presented by the President. It was sort of a take-off path by the President in the deficit area; or if we just let things be as they are.

The reason we have done this is very simple. If we continue to run these deficits, if we do not address this issue now, as I said earlier, we will pass on to our children a nation which is bankrupt. That is not fair, and it is not right. It has been said many times on this floor by many members of our party that our reason, our purpose, in

seeking this position here in the Senate is to put the fiscal house of the Federal Government in order—to downsize the Federal Government, and to return authority and the dollars to the States. This budget is the first step in accomplishing that goal.

I certainly congratulate Senator DOMENICI, who is the driving force behind developing this budget on the Senate side; Chairman KASICH, on the House side; and, obviously, Speaker GINGRICH and Leader DOLE, for having the foresight, the vision, and the courage to put together this most extraordinary budget which will pass to our children a very critical gift, which is the gift of a Government that is fiscally sound.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1115. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case No. 94-10; to the Committee on Appropriations.

EC-1116. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to revise the manner in which the Army will participate in the establishment and operation of the National Science Center for Communications and Electronics; to the Committee on Armed Services.

EC-1117. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 961. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. No. 104-99).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 960. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. HELMS:

S. 961. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

S. 962. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until August 15, 1995; considered and passed.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 963. A bill to amend the medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON:

S. 964. A bill to amend the Land and Water Conservation Fund Act of 1965 with respect to fees for admission into units of the National Park System and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 141. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 960. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, and for other purposes; to the Committee on the Judiciary.

THE 1995 COMMUNITY PROTECTION INITIATIVE ACT

• Mr. SANTORUM. Mr. President, today I am introducing the 1995 Community Protection Initiative Act, a bill

to aid in the fight against crime in America. This bill exempts qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed weapons. The effect is to increase law enforcement potential by making thousands of highly trained law enforcement personnel available to deter crime in emergency situations, all at no additional cost to the taxpayer. We will strike a strong blow for crime prevention without further burdening the Federal budget.

Further, this bill eliminates jurisdictional limitations and provides a clear and uniform rule to replace a complex variety of State and local laws. In an increasingly mobile society, it is important to eliminate confusion and provide these public servants the opportunity to react in a way that protects potential victims of crime throughout the country.

This is a commonsense and cost-effective step in the direction of crime control. To do otherwise would be similar to preventing someone trained in CPR from assisting a dying person merely because he or she was licensed in another jurisdiction. Law enforcement personnel are trained to think in a manner that protects lives. We need to allow them to act in the same manner by lifting current regulatory burdens.

This bill takes the precautions necessary to ensure that former and retired law enforcement officers have been properly trained in the use of firearms, have proper identification, and were in good standing during their prior employment. Moreover, the bill allows them to protect themselves, their families, and other citizens in need of assistance.

I look forward to enactment of this legislation. I also look forward to working with Representative CUNNINGHAM from California, who has introduced a similar measure in the House of Representatives. Together we can bring about a much needed reform and strengthen the crime fighting capabilities of our Nation's law enforcement community.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "1995 Community Protection Initiative".

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED HANDGUNS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following new section:

"§926B. Carrying of concealed handguns by qualified current and former law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer or a qualified former law enforcement officer and who is carrying appropriate written identification of such status may carry a concealed handgun.

"(b) As used in this section—

"(1) the term 'qualified law enforcement officer' means an officer, agent, or employee of a public agency who—

"(A) is a law enforcement officer;

"(B) is authorized by the agency to carry a handgun in the course of duty;

"(C) is not the subject of a disciplinary action by the agency that prevents the carrying of a handgun; and

"(D) meets such requirements as have been established by the agency with respect to handguns;

"(2) the term 'qualified former law enforcement officer' means an individual who—

"(A) retired from service with a public agency as a law enforcement officer, other than for reasons of mental disability;

"(B) immediately before such retirement, was a qualified law enforcement officer;

"(C) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(D) meets such requirements as have been established by the State in which the individual resides with respect to training in the use of handguns; and

"(E) is not prohibited by Federal law from receiving a firearm;

"(3) the term 'law enforcement officer' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers; and

"(4) the term 'appropriate written identification' means, with respect to an individual, a document that—

"(A) was issued to the individual by the public agency with which the individual serves or served as a law enforcement officer; and

"(B) identifies the holder of the document as a current or former officer, agent, or employee of the agency."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following new item:

"926B. Carrying of concealed handguns by qualified current and former law enforcement officers."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.●

By Mr. BAUCUS (for himself, Mr. GRASSLEY and Mr. ROCKEFELLER):

S. 963. A bill to amend the Medicare Program under title XVIII of the Social Security Act to improve rural health services, and for other purposes; to the Committee on Finance.

THE RURAL HEALTH CARE IMPROVEMENT ACT OF 1995

Mr. BAUCUS. Mr. President, I rise to introduce, along with Senator GRASSLEY and Senator ROCKEFELLER, the Rural Health Care Improvement Act of 1995.

They say that if you have your health, you have everything. Well, I must say that for the small commu-

nities all across Montana and America, access to health care is in danger. It is very tough to get good health care in rural parts of our country. What with cuts in Medicare reimbursement, 10 percent of the America's rural hospitals closed in the last decade. Ten percent of our rural hospitals have closed. The trend, unfortunately, shows no signs of improving.

And the rural health care crisis goes beyond access. That is because insurance policies are going up faster for the people who can least afford to pay—that is self-insured people like farmers, ranchers, and small business owners all across our country.

Rural areas also find it harder than cities and suburbs to attract doctors, to attract nurses, to attract people to provide health care. And health care providers in rural areas have less access to state-of-the-art medical technology than their colleagues do in the big cities and in the suburbs.

Yet, the Federal Government's usual approach to rural health care issues is one of indifference. No top-level official has the task of keeping rural health care firmly in line.

Renewing the tax credit for self-insured people was just a start. We need to preserve health care services in small towns. Rural doctors and nurses must be able to use the best available technology. And the Government must give permanent, top-level attention to rural health care issues.

That is the comprehensive strategy that this bill provides.

Let me review it in just brief detail.

First, keeping hospitals and clinics in small rural towns open. It is critical that these clinics stay open.

Our small rural hospitals have suffered for years with rigid and expensive Medicare regulations and Medicare reimbursements too low to let them stay open. So a few years ago I helped pass a bill giving some rural hospitals greater flexibility and Medicare reimbursements high enough to stay open.

This project is called the Medical Assistance Facility, otherwise known as MAF. They operate in Culbertson, Jordan, Circle, Terry, and Ekalaka, serving over 20,000 people.

That might not sound like very many people when you add the towns together, but let me tell you, when you are a town like Circle or Ekalaka, hundreds of miles away from the best of health care service in the world, these small clinics make a big, big difference. They are very important to them. The MAF maintains access to basic, acute, and emergency care services and provides inpatient care for up to 4 days. They have received glowing reviews from health experts, and other States have called in to ask how they can set up similar facilities.

But most important, people in these towns believe it is irreplaceable. Walter Busch, the administrator of Roosevelt Medical Center in Culbertson, had this to say:

The medical assistance facility has improved access to quality health care services

in a cost-effective manner. It has restored health care services to four remote, rural communities and prevented loss of services in two others. It is a very flexible program and yet one that has provided consistently high quality care.

Let me underline that point, Mr. President. Without MAF's, medical assistance facilities, or similar clinics, many small towns would have virtually no health care service. The MAF preserves health services and it saves money. A new GAO report will show that the MAF saved over \$60,000 per 172 patients. So especially when the leadership's proposed Medicare and Medicaid cuts will so drastically increase the pressure on rural hospitals, we must keep them open. Our legislation makes the MAF permanent and allows similar facilities to open up all over rural America.

The second section offers grants for what is called telemedicine. These grants will let rural doctors and nurses upgrade their telecommunications and use modern computer networks to confer with specialists in other parts of our country. So a family practitioner, for example, with a tough case in Ferguson County or on the Hi-line can have access to diagnostic files and also access to techniques at the National Institutes of Health or the Centers for Disease Control.

Just think of it. With the computer, a doctor or a nurse in a very small town in a small clinic can have access to files and techniques of the very best all around the Nation. They might not be able to use all the techniques, but at least he or she knows what is available and has a lot better access, a lot better information and can give better treatment for that patient.

We also include another program of grants to encourage networking among rural health care providers. This would let them share information on equipment and also, again, share techniques specifically designed for rural areas and also help allow much more cooperation and also more effective cooperation than exists today.

Third and last is a new permanent position of Assistant Secretary for Rural Health at the Department of Health and Human Services in Washington, DC. My State of Montana and a lot of States need more advocates within the Federal Government. People living in very rural, isolated areas need better advocates and more advocates in the Federal Government, more people who understand our unique problems and will push for solutions because, after all, there are a lot more people in the cities who push for city solutions. We need some way to kind of counterbalance, Mr. President, the advantage that the city folks have so that people in rural areas at least have someone to stand up for them and argue their case so that problems are not further exacerbated because they do not have someone.

So when this bill passes, the Department of Health and Human Services,

with its hundreds of thousands of employees, will have a top-level official whose job it is to remember small towns like Culbertson, MT.

This will put a higher priority on rural health care and make sure that we have someone in the room when final decisions are made, for example, on Medicare or Medicaid and other health care programs.

Mr. President, rural America deserves fairness just like urban, big city America deserves the same access to top-quality doctors and nurses, to new medical technologies and to basic health care just as everybody else does in America. And through this bill, without much expense, rural America can get fairness. It is just that simple.

I ask unanimous consent, Mr. President, to include a copy of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Improvement Act of 1995".

SEC. 2. MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds the following:

(A) One-quarter of the United States population, or about 65 million persons, reside in rural areas. Rural areas have a larger proportion of elderly residents. Rural populations have a higher infant mortality rate, and a 40 percent higher rate of death from accidents.

(B) Rural hospitals are forced to comply with burdensome and inflexible Medicare requirements that do not fit the realities of the rural environment.

(C) Rural hospitals are inadequately reimbursed by the Medicare program.

(D) Inadequate Medicare reimbursement and burdensome and inflexible requirements contribute to the high closure rate among rural hospitals, resulting in reduced access to primary care and emergency services for millions of rural residents.

(E) Medical assistance facilities have been operating in Montana since 1990 and rural primary care hospitals have been operating since 1993. Both programs help rural hospitals adapt to the changing health care needs of the local community.

(F) The Inspector General of the Department of Health and Human Services has found that medical assistance facilities—

(i) provide access to health care in remote rural areas; and

(ii) are cost efficient.

(G) The Inspector General of the Department of Health and Human Services found that flexible Medicare requirements are key to the success of medical assistance facilities.

(H) Twenty-one states applied to the Essential Access Hospital (EACH) program authorized in the Omnibus Budget Reconciliation Act of 1989. Seven states, West Virginia, California, Colorado, Kansas, New York, North Carolina, and South Dakota were awarded grants. Eleven hospitals have been designated rural primary care hospitals since final Federal regulations became effective in 1993.

(I) Medical assistance facilities and rural primary care hospitals promote the development of rural health care networks and result in increased access for rural residents to a variety of health care services.

(2) PURPOSE.—The purpose of this section is to establish the Medicare rural hospital flexibility program and to allow all States to develop critical access hospitals.

(b) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.—Section 1820 of the Social Security Act (42 U.S.C. 1395i-4) is amended to read as follows:

"MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM

"SEC. 1820. (a) PURPOSE.—The purpose of this section is to—

"(1) ensure access to health care services for rural communities by allowing hospitals to be designated as critical access hospitals if such hospitals limit the scope of available inpatient acute care services;

"(2) provide more appropriate and flexible staffing and licensure standards;

"(3) enhance the financial security of critical access hospitals by requiring that Medicare reimburse such facilities on a reasonable cost basis; and

"(4) promote linkages between critical access hospitals designated by the State under this section and broader programs supporting the development of and transition to integrated provider networks.

(b) ESTABLISHMENT.—Any State that submits an application in accordance with subsection (c) may establish a Medicare rural hospital flexibility program described in subsection (d).

"(c) APPLICATION.—A State may establish a Medicare rural hospital flexibility program described in subsection (d) if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing—

"(1) assurances that the State—

"(A) has developed, or is in the process of developing, a State rural health care plan that—

"(i) provides for the creation of one or more rural health networks (as defined in subsection (e)) in the State,

"(ii) promotes regionalization of rural health services in the State, and

"(iii) improves access to hospital and other health services for rural residents of the State;

"(B) has developed the rural health care plan described in subparagraph (A) in consultation with the hospital association of the State, rural hospitals located in the State, and the State Office of Rural Health (or, in the case of a State in the process of developing such plan, that assures the Secretary that the State will consult with its State hospital association, rural hospitals located in the State, and the State Office of Rural Health in developing such plan);

"(2) assurances that the State has designated (consistent with the rural health care plan described in paragraph (1)(A)), or is in the process of so designating, rural non-profit or public hospitals or facilities located in the State as critical access hospitals; and

"(3) such other information and assurances as the Secretary may require.

"(d) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM DESCRIBED.—

"(1) IN GENERAL.—A State that has submitted an application in accordance with subsection (c), may establish a Medicare rural hospital flexibility program that provides that—

"(A) the State shall develop at least one rural health network (as defined in subsection (e)) in the State; and

"(B) at least one facility in the State shall be designated as a critical access hospital in accordance with paragraph (2).

"(2) STATE DESIGNATION OF FACILITIES.—

"(A) IN GENERAL.—A State may designate one or more facilities as a critical access hospital in accordance with subparagraph (B).

"(B) CRITERIA FOR DESIGNATION AS CRITICAL ACCESS HOSPITAL.—A State may designate a facility as a critical access hospital if the facility—

"(i) is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)) that—

"(I) is located more than a 35-mile drive from a hospital, or another facility described in this subsection, or

"(II) is certified by the State as being a necessary provider of health care services to residents in the area; and

"(ii) makes available 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a critical access hospital;

"(iii) provides not more than 15 acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period not to exceed 96 hours (unless a longer period is required because transfer to a hospital is precluded because of inclement weather or other emergency conditions), except that a peer review organization or equivalent entity may, on request, waive the 96-hour restriction on a case-by-case basis;

"(iv) meets such staffing requirements as would apply under section 1861(e) to a hospital located in a rural area, except that—

"(I) the facility need not meet hospital standards relating to the number of hours during a day, or days during a week, in which the facility must be open and fully staffed, except insofar as the facility is required to make available emergency care services as determined under clause (ii) and must have nursing services available on a 24-hour basis, but need not otherwise staff the facility except when an inpatient is present,

"(II) the facility may provide any services otherwise required to be provided by a full-time, on site dietician, pharmacist, laboratory technician, medical technologist, and radiological technologist on a part-time, off site basis under arrangements as defined in section 1861(w)(1), and

"(III) the inpatient care described in clause (iii) may be provided by a physician's assistant, nurse practitioner, or clinical nurse specialist subject to the oversight of a physician who need not be present in the facility; and

"(v) meets the requirements of subparagraph (I) of paragraph (2) of section 1861(aa).

"(e) RURAL HEALTH NETWORK DEFINED.—

"(I) IN GENERAL.—For purposes of this section, the term 'rural health network' means, with respect to a State, an organization consisting of—

"(A) at least 1 facility that the State has designated or plans to designate as a critical access hospital, and

"(B) at least 1 hospital that furnishes acute care services.

"(2) AGREEMENTS.—

"(A) IN GENERAL.—Each critical access hospital that is a member of a rural health network shall have an agreement with respect to each item described in subparagraph (B) with at least 1 hospital that is a member of the network.

"(B) ITEMS DESCRIBED.—The items described in this subparagraph are the following:

"(i) Patient referral and transfer.

"(ii) The development and use of communications systems including (where feasible)—

"(I) telemetry systems, and

"(II) systems for electronic sharing of patient data.

"(iii) The provision of emergency and non-emergency transportation among the facility and the hospital.

"(C) CREDENTIALING AND QUALITY ASSURANCE.—Each critical access hospital that is a member of a rural health network shall have an agreement with respect to credentialing and quality assurance with at least 1—

"(i) hospital that is a member of the network;

"(ii) peer review organization or equivalent entity; or

"(iii) other appropriate and qualified entity identified in the State rural health care plan.

"(f) CERTIFICATION BY THE SECRETARY.—The Secretary shall certify a facility as a critical access hospital if the facility—

"(1) is located in a State that has established a medicare rural hospital flexibility program in accordance with subsection (d);

"(2) is designated as a critical access hospital by the State in which it is located; and

"(3) meets such other criteria as the Secretary may require.

"(g) PERMITTING MAINTENANCE OF SWING BEDS.—Nothing in this section shall be construed to prohibit a State from designating or the Secretary from certifying a facility as a critical access hospital solely because, at the time the facility applies to the State for designation as a critical access hospital, there is in effect an agreement between the facility and the Secretary under section 1883 under which the facility's inpatient hospital facilities are used for the furnishing of extended care services, except that the number of beds used for the furnishing of such services may not exceed the total number of licensed inpatient beds at the time the facility applies to the State for such designation (minus the number of inpatient beds used for providing inpatient care in the facility pursuant to subsection (d)(2)(A)(iii)). For purposes of the previous sentence, the number of beds of the facility used for the furnishing of extended care services shall not include any beds of a unit of the facility that is licensed as a distinct-part skilled nursing facility at the time the facility applies to the State for designation as a critical access hospital.

"(h) GRANTS.—

"(1) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.—The Secretary may award grants to States that have submitted applications in accordance with subsection (c) for—

"(A) engaging in activities relating to planning and implementing a rural health care plan;

"(B) engaging in activities relating to planning and implementing rural health networks; and

"(C) designating facilities as critical access hospitals.

"(2) RURAL EMERGENCY MEDICAL SERVICES.—

"(A) IN GENERAL.—The Secretary may award grants to States that have submitted applications in accordance with subparagraph (B) for the establishment or expansion of a program for the provision of rural emergency medical services.

"(B) APPLICATION.—An application is in accordance with this subparagraph if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing the assurances described in subparagraphs (A)(ii), (A)(iii), and (B) of subsection (c)(1) and paragraph (3) of such subsection.

"(i) GRANDFATHERING OF CERTAIN FACILITIES.—

"(1) IN GENERAL.—Any medical assistance facility operating in Montana and any rural primary care hospital designated by the Secretary under this section prior to the date of the enactment of the Rural Health Improvement Act of 1995 shall be deemed to have

been certified by the Secretary under subsection (f) as a critical access hospital if such facility or hospital is otherwise eligible to be designated by the State as a critical access hospital under subsection (d).

"(2) CONTINUATION OF MEDICAL ASSISTANCE FACILITY AND RURAL PRIMARY CARE HOSPITAL TERMS.—Notwithstanding any other provision of this title, with respect to any medical assistance facility or rural primary care hospital described in paragraph (1), any reference in this title to a 'critical access hospital' shall be deemed to be a reference to a 'medical assistance facility' or 'rural primary care hospital'.

"(j) WAIVER OF CONFLICTING PART A PROVISIONS.—The Secretary is authorized to waive such provisions of this part and part C as are necessary to conduct the program established under this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Hospital Insurance Trust Fund for making grants to all States under subsection (h), \$25,000,000 in each of the fiscal years 1996 through 2000."

(c) REPORT ON ALTERNATIVE TO 96-HOUR RULE.—Not later than January 1, 1996, the Administrator of the Health Care Financing Administration shall submit to the Congress a report on the feasibility of, and administrative requirements necessary to establish an alternative for certain medical diagnoses (as determined by the Administrator) to the 96-hour limitation for inpatient care in critical access hospitals required by section 1820(d)(2)(B)(iii).

(d) PART A AMENDMENTS RELATING TO RURAL PRIMARY CARE HOSPITALS AND CRITICAL ACCESS HOSPITALS.—

(1) DEFINITIONS.—Section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm)) is amended to read as follows:

"CRITICAL ACCESS HOSPITAL; CRITICAL ACCESS HOSPITAL SERVICES

"(mm)(1) The term 'critical access hospital' means a facility certified by the Secretary as a critical access hospital under section 1820(f).

"(2) The term 'inpatient critical access hospital services' means items and services, furnished to an inpatient of a critical access hospital by such facility, that would be inpatient hospital services if furnished to an inpatient of a hospital by a hospital."

(2) COVERAGE AND PAYMENT.—(A) Section 1812(a)(1) of such Act (42 U.S.C. 1395d(a)(1)) is amended by striking "or inpatient rural primary care hospital services" and inserting "or inpatient critical access hospital services".

(B) Section 1814 of such Act (42 U.S.C. 1395f) is amended—

(i) on subsection (a)(8)—

(I) by striking "rural primary care hospital" each place it appears and inserting "critical access hospital"; and

(II) by striking "72" and inserting "96";

(ii) in subsection (b), by striking "other than a rural primary care hospital providing inpatient rural primary care hospital services," and inserting "other than a critical access hospital providing inpatient critical access hospital services,"; and

(iii) by amending subsection (d) to read as follows:

"(d) PAYMENT FOR INPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for inpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services."

(3) TREATMENT OF CRITICAL ACCESS HOSPITALS AS PROVIDERS OF SERVICES.—(A) Section 1861(u) of such Act (42 U.S.C. 1395x(u)) is amended by striking "rural primary care hospital" and inserting "critical access hospital".

(B) The first sentence of section 1864(a) of such Act (42 U.S.C. 1395aa(a)) is amended by striking "a rural primary care hospital" and inserting "a critical access hospital".

(4) CONFORMING AMENDMENTS.—(A) Section 1128A(b)(1) of such Act (42 U.S.C. 1320a-7a(b)(1)) is amended by striking "rural primary care hospital" each place it appears and inserting "critical access hospital".

(B) Section 1128B(c) of such Act (42 U.S.C. 1320a-7b(c)) is amended by striking "rural primary care hospital" and inserting "critical access hospital".

(C) Section 1134 of such Act (42 U.S.C. 1320b-4) is amended by striking "rural primary care hospitals" each place it appears and inserting "critical access hospitals".

(D) Section 1138(a)(1) of such Act (42 U.S.C. 1320b-8(a)(1)) is amended—

(i) in the matter preceding subparagraph (A), by striking "rural primary care hospital" and inserting "critical access hospital"; and

(ii) in the matter preceding clause (i) of subparagraph (A), by striking "rural primary care hospital" and inserting "critical access hospital".

(E) Section 1816(c)(2)(C) of such Act (42 U.S.C. 1395h(c)(2)(C)) is amended by striking "rural primary care hospital" and inserting "critical access hospital".

(F) Section 1833 of such Act (42 U.S.C. 1395f) is amended—

(i) in subsection (h)(5)(A)(iii), by striking "rural primary care hospital" and inserting "critical access hospital";

(ii) in subsection (i)(1)(A), by striking "rural primary care hospital" and inserting "critical access hospital";

(iii) in subsection (i)(3)(A), by striking "rural primary care hospital services" and inserting "critical access hospital services";

(iv) in subsection (j)(5)(A), by striking "rural primary care hospital" each place it appears and inserting "critical access hospital"; and

(v) in subsection (j)(5)(B), by striking "rural primary care hospital" each place it appears and inserting "critical access hospital".

(G) Section 1835(c) of such Act (42 U.S.C. 1395n(c)) is amended by striking "rural primary care hospital" each place it appears and inserting "critical access hospital".

(H) Section 1842(b)(6)(A)(ii) of such Act (42 U.S.C. 1395u(b)(6)(A)(ii)) is amended by striking "rural primary care hospital" and inserting "critical access hospital".

(I) Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(i) in the last sentence of subsection (e), by striking "rural primary care hospital" and inserting "critical access hospital";

(ii) in subsection (v)(1)(S)(ii)(III), by striking "rural primary care hospital" and inserting "critical access hospital";

(iii) in subsection (w)(1), by striking "rural primary care hospital" and inserting "critical access hospital"; and

(iv) in subsection (w)(2), by striking "rural primary care hospital" each place it appears and inserting "critical access hospital".

(J) Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by striking "rural primary care hospital" each place it appears and inserting "critical access hospital".

(K) Section 1866(a)(1) of such Act (42 U.S.C. 1395cc(a)(1)) is amended—

(i) in subparagraph (F)(ii), by striking "rural primary care hospitals" and inserting "critical access hospitals";

(ii) in subparagraph (H), in the matter preceding clause (i), by striking "rural primary care hospitals" and "rural primary care hospital services" and inserting "critical access hospitals" and "critical access hospital services", respectively;

(iii) in subparagraph (I), in the matter preceding clause (i), by striking "rural primary care hospital" and inserting "critical access hospital"; and

(iv) in subparagraph (N)—

(i) in the matter preceding clause (i), by striking "rural primary hospitals" and inserting "critical access hospitals"; and

(II) in clause (i), by striking "rural primary care hospital" and inserting "critical access hospital".

(L) Section 1866(a)(3) of such Act (42 U.S.C. 1395cc(a)(3)) is amended—

(i) by striking "rural primary care hospital" each place it appears in subparagraphs (A) and (B) and inserting "critical access hospital"; and

(ii) in subparagraph (C)(ii)(II), by striking "rural primary care hospitals" each place it appears and inserting "critical access hospitals".

(M) Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by striking "rural primary care hospital" and inserting "critical access hospital".

(e) PAYMENT CONTINUED TO DESIGNATED EACHS.—Section 1886(d)(5)(D) of such Act (42 U.S.C. 1395ww(d)(5)(D)) is amended—

(i) in clause (iii)(II), by inserting "as in effect on September 30, 1995" before the period at the end; and

(2) in clause (v)—

(A) by inserting "as in effect on September 30, 1995" after "1820(i)(1)"; and

(B) by striking "1820(g)" and inserting "1820(e)".

(f) PART B AMENDMENTS RELATING TO CRITICAL ACCESS HOSPITALS.—

(i) COVERAGE.—(A) Section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm)) as amended by subsection (d)(1), is amended by adding at the end the following new paragraph:

"(3) The term 'outpatient critical access hospital services' means medical and other health services furnished by a critical access hospital on an outpatient basis."

(B) Section 1832(a)(2)(H) of such Act (42 U.S.C. 1395k(a)(2)(H)) is amended by striking "rural primary care hospital services" and inserting "critical access hospital services".

(2) PAYMENT.—(A) Section 1833(a) of such Act (42 U.S.C. 1395(a)) is amended in paragraph (6), by striking "outpatient rural primary care hospital services" and inserting "outpatient critical access services".

(B) Section 1834(g) of such Act (42 U.S.C. 1395m(g)) is amended to read as follows—

"(g) PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for outpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after October 1, 1995.

SEC. 3. OFFICE OF RURAL HEALTH POLICY.

(a) APPOINTMENT OF ASSISTANT SECRETARY.—

(i) IN GENERAL.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(A) by striking "by a Director, who shall advise the Secretary" and inserting "by an Assistant Secretary for Rural Health (in this section referred to as the 'Assistant Secretary'), who shall report directly to the Secretary"; and

(B) by adding at the end the following new sentence: "The Office shall not be a component of any other office, service, or component of the Department."

(2) CONFORMING AMENDMENTS.—(A) Section 711(b) of the Social Security Act (42 U.S.C. 912(b)) is amended by striking "the Director" and inserting "the Assistant Secretary".

(B) Section 338J(a) of the Public Health Service Act (42 U.S.C. 254r(a)) is amended by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(C) Section 464T(b) of the Public Health Service Act (42 U.S.C. 285p-2(b)) is amended in the matter preceding paragraph (1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(D) Section 6213 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395x note) is amended in subsection (e)(1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(E) Section 403 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. 300ff-11 note) is amended in the matter preceding paragraph (1) of subsection (a) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(3) AMENDMENT TO THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Health and Human Services (6)" and inserting "Assistant Secretaries of Health and Human Services (7)".

(b) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking "and access to (and the quality of) health care in rural areas" and inserting "access to, and quality of, health care in rural areas, and reforms to the health care system and the implications of such reforms for rural areas".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 4. MEDICARE REIMBURSEMENT FOR TELEMEDICINE SERVICES.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the use of telemedicine services can increase access to specialized health care for rural residents; and

(2) although telemedicine services are currently being furnished to medicare beneficiaries across the country, providers of telemedicine services do not receive reimbursement for such services under the medicare program.

(b) PURPOSE.—It is the purpose of this section to improve access to specialized health services for rural medicare beneficiaries by requiring the medicare program to reimburse providers for furnishing telemedicine services.

(c) METHODOLOGY FOR DETERMINING PAYMENT.—Not later than January 1, 1996, the Secretary of Health and Human Services shall develop and submit to the Congress a recommendation on a methodology for determining payments under title XVIII of the Social Security Act for telemedicine services (as defined by the Secretary).

By Mr. JOHNSTON:

S. 964. A bill to amend the Land and Water Conservation Fund Act of 1965 with respect to fees for admission into units of the National Park System and for other purposes; to the Committee on Energy and Natural Resources.

THE PARK RENEWAL FUND ACT

Mr. JOHNSTON. Mr. President, today I am introducing the Park Renewal Fund Act. This legislation would grant the Secretary of the Interior additional authority to impose and collect entrance fees at units of the National Park System and deposit those increased revenues in a special fund—

the park renewal fund. These moneys could then be used, without the need for further appropriation, to help cover the cost of priority park maintenance and repair projects. The legislation also includes other provisions designed to enhance the Park Service's ability to generate badly needed funds from park users and other non-Federal sources.

Last year, I introduced park fee legislation at the request of the administration. The committee unanimously reported an amended version of that bill late in the session, but no further action was taken in the Senate. The bill I am introducing today is very similar to the version I introduced last year and incorporates the current administration position on park fees. Like last year, it is possible that changes will be made to this bill before it is reported from the committee. I welcome the attention of my colleagues to this bill and urge their support. I also look forward to their input and the input of others on how to improve the legislation. Although I am flexible on many provisions in this bill, there is, in my view, one concept that must be included in the final version of any park fee bill. New fee revenue generated by this legislation must go directly to the parks for use in the parks and not be diverted for nonpark purposes. There is considerable public support for paying higher park entrance fees if those fees are used to enhance the parks and visitor use and enjoyment of them. Without such a provision, there is no need to raise fees and certainly no incentive for the parks to collect them.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "The Park Renewal Fund Act."

SEC. 2. FEES.

(a) **ADMISSION FEES.**—Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(a)) is amended as follows:

(1) Delete "fee-free travel areas" and "lifetime admission permit" from the title of this section.

(2) In paragraph (a)(1)(A)(i) by striking the first and second sentences and inserting in lieu thereof, "For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available for a fee and under such conditions as to be determined by the Secretary of the Interior and the Secretary of Agriculture."

(3) In paragraph (a)(1)(B) by striking the second sentence.

(4) Delete paragraph (a)(2) in its entirety and insert in lieu thereof: "Reasonable admission fees for a single visit to any designated unit shall be established by the ad-

ministering Secretary for persons who choose not to purchase the annual permit. A "single visit" means a continuous stay within a designated unit. Payment of a single visit admission fee shall authorize exits from and reentries to a designated unit for a period to be defined for each designated unit by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(5) In paragraph (a)(3) by inserting the word "Great" in the third sentence before "Smoky".

(6) In paragraph (a)(3) delete the last sentence.

(7) Delete paragraph (a)(4) in its entirety and insert in lieu thereof: "The Secretary of the Interior and the Secretary of Agriculture shall establish procedures for discounted admission fees to any citizen of, or person legally domiciled in, the United States sixty-two years of age or older, such discount to be received upon proof of age. Any such discount will be non-transferable, applied only to the individual qualifying on the basis of age, and given notwithstanding the method of travel. No fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business."

(8) Delete paragraph (a)(5) in its entirety and insert in lieu thereof: "The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person legally domiciled in, the United States, if such citizen or person applies for such permit and is permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be permanently disabled. Such permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and one accompanying individual to general admission into any area designated pursuant to this subsection, notwithstanding the method of travel."

(9) In paragraph (a)(6)(A) by striking "No later than 60 days after December 22, 1987" and inserting "No later than six months after enactment" and striking "Interior and Insular Affairs" and inserting "Resources".

(10) Delete paragraphs (a)(9) and (a)(11) in their entirety. Renumber current paragraph "(10)" as "(9)" and current paragraph "(12)" as "(10)".

(b) **RECREATION FEES.**—Section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(b)) is amended as follows:

(1) Delete "fees for Golden Age Passport permittees" from section title.

(2) Delete the following: "personal collection of the fee by an employee or agent of the Federal agency operating the facility".

(3) Deleting "Any Golden Age Passport permittee, or" and inserting thereof "Any".

(c) **CRITERIA, POSTING AND UNIFORMITY OF FEES.**—Section 4(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(d)) is amended by deleting from the first sentence, "recreation fees charged by non-Federal public agencies," and inserting in lieu thereof "fees charged by other public and private entities."

(d) **RULES AND REGULATIONS.**—Section 4(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(e)) is amended by deleting "of not more than \$100." and inserting in lieu thereof "as provided by law."

(e) **FEDERAL AND STATE LAWS UNAFFECTED.**—Section 4(g) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(g)) is amended by deleting the following

in the first sentence "or fees or charges for commercial or other activities not related to recreation," and inserting "Provided, however, in those park areas under partial (if applicable) or exclusive jurisdiction of the United States where state fishing licenses are not required, the National Park Service may charge a fee for fishing."

(f) **TECHNICAL AMENDMENTS.**—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(h)) is amended—

(1) by striking "Bureau of Outdoor Recreation" and inserting in lieu thereof, "National Park Service";

(2) by striking "Interior and Insular Affairs of the United States House of Representatives and United States Senate" and inserting in lieu thereof, "Resources of the United States House of Representatives and on Energy and Natural Resources of the United States Senate"; and

(3) by striking "Bureau" and inserting in lieu thereof, "National Park Service".

(g) **USE OF FEES.**—Section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(i)) is amended as follows:

(1) After "(i)" by inserting "USE OF FEES.—"

(2) In the first sentence of subparagraph (B) by striking "fee collection costs for that fiscal year" and inserting in lieu thereof, "fee collection costs for the immediately preceding fiscal year" and by striking "section in that fiscal year" and inserting in lieu thereof, "section in such immediately preceding fiscal year."

(3) In the second sentence of subparagraph (B) by striking "in that fiscal year".

(4) By adding the following at the end of paragraph (1): "(C) Notwithstanding subparagraph (A), beginning in fiscal year 1996 and each fiscal year thereafter, all additional fee revenue generated by the National Park Service through enactment of this legislation, as authorized to be collected pursuant to subsection 4 (a) and (b), shall be covered into a special fund established in the Treasury of the United States to be known as the 'National Park Renewal Fund'. In fiscal year 1997 and each fiscal year thereafter, the amount of additional fee revenue generated in the immediately preceding fiscal year by the National Park Service through enactment of this legislation shall be available to the Secretary of the Interior, without further provision in appropriations acts, for infrastructure needs at parks including but not limited to facility refurbishment, repair and replacement, interpretive media and exhibit repair and replacement, and infrastructure projects associated with park resource protection. Such amounts shall remain available until expended. The Secretary shall develop procedures for the use of the fund that ensure accountability and demonstrated results consistent with the purposes of this Act. Beginning the first full fiscal year after the creation of the "National Park Renewal Fund", the Secretary shall submit an annual report to the Congress, on a unit-by-unit basis, detailing the expenditures of such receipts. In fiscal year 1996 only, fees authorized to be collected pursuant to subsections 4 (a) and (b) of this Act may be collected only to the extent provided in advance in appropriations acts."

(5) Paragraph 4(A) is amended by striking "resource protection, research, and interpretation" and inserting in lieu thereof, "park operations".

(h) **SELLING OF PERMITS.**—Section 4(k) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460I-6a(k)) is amended by:

(1) striking "selling of annual admission permits by public and private entities under arrangements with collecting agency head" from the title of this section, and

(2) deleting the last two sentences, regarding the sale of Golden Eagle Passports, from this section.

(i) CHARGES FOR TRANSPORTATION PROVIDED BY THE NATIONAL PARK SERVICE.—

(1) Section 4(l)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(1)) is amended by striking the word "viewing" from the section title and inserting in lieu thereof "visiting".

(2) Section 4(l)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(1)) is amended by deleting the word "view" and inserting in lieu thereof "visit".

(3) Section 4(l)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(1)) is amended by deleting paragraph (2) and inserting in lieu thereof: "Notwithstanding any other provision of law, the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The amount retained shall be expended for costs associated with the transportation systems at the unit where the charge was imposed."

(j) COMMERCIAL TOUR FEES.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(n)) is amended by striking section (2) in its entirety and inserting in lieu thereof: "(2) The Secretary shall establish a flat fee, per entry, for such vehicles. The amount of the said flat fee shall reflect both the commercial tour use fee rate and current admission rates."

(k) FEES FOR SPECIAL USES.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by adding the following at the end thereof:

"(o) FEES FOR COMMERCIAL/ NONRECREATIONAL USES.—Utilizing the criteria established in Section 4(d) (16 U.S.C. 4601-6a(d)), the Secretary of the Interior shall establish reasonable fees for non-recurring commercial or non-recreational uses of National Park System units that require special arrangements, including permits. At a minimum, such fees will cover all costs of providing necessary services associated with such use, except that at the Secretary's discretion, the Secretary may waive or reduce such fees in the case of any organization using an area within the National Park System for activities which further the goals of the National Park Service. Receipts from such fees may be retained at the park unit in which the use takes place, and remain available, without further appropriation, to cover the cost of providing such services. The portion of such fee which exceeds the cost of providing necessary services associated with such use shall be deposited into the National Park Renewal Fund."

(l) FEE AUTHORITY.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by adding the following new subsection at the end thereof:

(p) ADMISSION OR RECREATION USE FEES.—No admission or recreation use fee of any kind shall be charged or imposed for entrance into, or use of, any federally owned area operated and maintained by a Federal agency and used for outdoor recreation purposes, except as provided for by this Act."

SEC. 3. PROHIBITION OF COMMERCIAL VEHICLES, DELAWARE WATER GAP NATIONAL RECREATION AREA.

(a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 209 within the Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in section (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of

the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading "ADMINISTRATIVE PROVISIONS" in chapter VII of title I of Public Law 98-63 (97 Stat. 329), are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed \$25 per trip.

SEC. 4. CHALLENGE COST SHARE AGREEMENTS.

(a) AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators. For purposes of this section, the term—

(1) "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a)), any affiliated area, or designated National Scenic or Historic Trail; and

(2) "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary is authorized to provide the Federal funding share from any funds available to the National Park Service.

SEC. 5. DONATIONS

(a) REQUESTS FOR DONATIONS.—In addition to the Secretary's other authorities to accept the donation of lands, buildings, other property, services, and moneys for the purposes of the National Park System, the Secretary is authorized to solicit donations of money, property, and services from individuals, corporations, foundations and other potential donors who the Secretary believes would wish to make such donations as an expression of support for the national parks. Such donations may be accepted and used for any authorized purpose or program of the National Park Service, and donations of money shall remain available for expenditure without fiscal year limitation. Any employees of the Department to whom this authority is delegated shall be set forth in the written guidelines issued by the Secretary pursuant to paragraph (d).

(b) EMPLOYEE PARTICIPATION.—Employees of the National Park Service may solicit donations only if the request is incidental to or in support of, and does not interfere with their primary duty of protecting and administering the parks or administering authorized programs, and only for the purpose of providing a level of resource protection, visitor facilities, or services for health and safety projects, recurring maintenance activities, or for other routine activities normally funded through annual agency appropriations. Such requests must be in accordance with the guidelines issued pursuant to subparagraph (d).

(c) PROHIBITIONS.—(1) A donation may not be accepted in exchange for commitment to the donor on the part of the National Park Service or which attaches conditions inconsistent with applicable laws and regulations or that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Department, or which compromises a criminal or civil position of the United States or any of its departments or agencies or the administration

authority of any agency of the United States.

(2) In utilizing the authorities contained in this section employees of the National Park Service shall not directly conduct or execute major fund raising campaigns, but may cooperate with others whom the Secretary may designate to conduct such campaigns on behalf of the National Park Service.

(d) GUIDANCE.—(1) The Secretary shall issue written guidelines setting forth those positions to which he has delegated his authority under paragraph (a) and the categories of employees of the National Park Service that are authorized to request donations pursuant to paragraph (b). Such guidelines shall also set forth any limitations on the types of donations that will be requested or accepted as well as the sources of those donations.

(2) The Secretary shall publish guidelines which set forth the criteria to be used in determining whether the solicitation or acceptance of contributions of lands, buildings, other property, services, moneys, and other gifts or donations authorized by this section would reflect unfavorably upon the ability of the Department of the Interior or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs. The Secretary shall also issue written guidance on the extent of the cooperation that may be provided by National Park Service employees in any major fund raising campaign which the Secretary has designated others to conduct pursuant to paragraph (c)(2).

SEC. 6. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101-337 is amended as follows:

(a) In section 1 (16 U.S.C. 19j), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or nonliving resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity."

(b) In section 1 (16 U.S.C. 19j) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity."

(c) In section 2(b) (16 U.S.C. 19j-1(b)), by striking "any park" and inserting in lieu thereof, "any marine or aquatic park".

SECTION-BY-SECTION—PROPOSED FEE LEGISLATION

Section 1. Entitles the bill the "The Park Renewal Fund Act."

Section 2. Makes several changes to the Land and Water Conservation Fund Act of 1965 to provide the Secretary of the Interior additional authority to manage the National Park Service fee program. Specific changes follow:

(a) Admission Fees:

(1) Strikes "fee-free travel areas" and "lifetime admission permits" from the section title as they were also stricken in the text of this section.

(2) Strikes the first and second sentence to eliminate the cap on the amount to be charged for a Golden Eagle Passport (\$25) and the language mandating entry coverage under the passport. The new language would authorize the Secretaries of the Interior and Agriculture to set the fee and conditions of coverage.

(3) Strikes the second sentence to eliminate the cap for annual park specific permits. The rest of the section stays intact and

ties coverage of this permit to the same conditions to be developed for the Golden Eagle Passport.

(4) Deletes the length of stay limitations, allowing the administering Secretary to establish length of stays for specific units. It would also eliminate the cap on fees to be charged for single visit permits and other restrictions, which would be determined by the administering Secretary.

(5) Makes a technical correction by inserting "Great" before Smoky Mountains National Park.

(6) Deletes the sentence that exempts urban areas from fees. Current law prohibits admission fees at any unit of the National Park System which provides significant outdoor recreational opportunities in an urban environment and to which access is available at multiple locations. While not specifically saying fees would be charged, this change would provide authority for a review of the feasibility of charging fees at these areas.

(7) Authorizes the Secretaries of Interior and Agriculture to modify the Golden Age Passport program as it currently exists. The Secretaries would still be able to establish discounted admission fees upon proof of age. However, the discount would apply only to the eligible individual, and not to persons accompanying that individual, regardless of the method of travel.

(8) Limits coverage under the Golden Access Passport for the disabled to the individual holding the passport and one accompanying individual, regardless of method of travel. It also deletes the word "blind" throughout the paragraph and the portion having to do with the receipts of federal benefits.

(9) Directs the Secretary to provide to Congress within 6 months after enactment a report outlining the changes to be implemented.

(10) Deletes paragraph (a)(9), which states specific areas where fees will not be charged. This would not mean that fees would be charged, but would provide an opportunity for review (e.g., Canaveral National Seashore). Deletes paragraph (a)(11) which established special rates for Grand Tetons, Yellowstone, and Grand Canyon. With new fee authority, special rates as established for these areas would essentially become caps are unnecessary.

(b) Recreation Fees:

(1) Deletes personal collection of camping fees as one of the criteria used in determining whether a fee can be charged at a campground. Many campgrounds have gone to self-registration systems over the years in the effort to more efficiently use personnel. It is an outdated criterion, especially as more efficient and technological changes in collections occur. This section also removes the 50% discount in user fees for those 62 and over, but retains that discount for the disabled.

(c) Amends the criteria used for setting fees to include comparable recreation fees charged by other public and private entities. Current law requires comparison with fees charged by non-federal public entities.

(d) Deletes a \$100 cap on fines to comply with the Criminal Fine Improvement Act of 1987 (P.L. 100-185). This Act established uniform maximum fine levels for all Federal petty offenses at \$5,000 for individuals and \$10,000 for organizations (18 U.S.C. section 3571).

(e) Removes the prohibition on fees or charges for non-recreational and commercial uses. The language inserted addresses those few park areas where state fishing licenses do not apply and are not required because the areas are under either partial or exclusive jurisdiction of the United States. In these park areas (e.g., Glacier, Yellowstone) the legislative jurisdiction means that the

United States (National Park Service) has, by cession or retention, all the authority of the state and state fishing laws and regulations do not apply.

(f) Changes the committee names to reflect current titles and conditions.

(g) Use of Fees:

(1) Technical change in the title.

(2 & 3) Allows the 15% retained by the Park Service and other agencies for fee collection costs to be figured on the collections of the previous year, instead of the current year. This will provide for a more accurate figure to be retained, based on a full year's collections, rather than partial year and estimates.

(4) Establishes a National Park Renewal Fund to be used for infrastructure repair, interpretive media and exhibit repair and replacement, and infrastructure projects associated with park resources. The fund would be established in 1996 with funds available beginning in 1997. It would authorize the National Park Service to retain and use, without further appropriation, all new revenue generated by this legislation. Procedures are to be developed for the distribution of these funds by the agency.

(5) Allows amounts covered into the existing U.S. Treasury special account for the National Park Service that are generated from admission fees, to be used for park operations as opposed to limiting their expenditure to resource protection, research, and interpretation.

(h) Deletes language requiring that private entities willing to sell Golden Eagle Passports pay the amount "up front". Also deletes this portion from the section title.

(i) Allows each park to retain 100 percent of receipts from fees for transportation services, when charged in lieu of an admission fee. Parks currently have authority to retain 50 percent of such fee receipts and deposit the remainder in the existing U.S. Treasury special account for the National Park Service, although no fees are currently collected under this authority.

(j) Combines the commercial tour use fee and admission fees for commercial vehicles into a flat fee per entry, for such vehicles. This would simplify fee collection and increase revenue.

(k) Authorizes "reasonable" fees for non-recreational or commercial uses of units that require special arrangements. Receipts from such fees would be retained at the park unit in which the use takes place and remain available to cover the cost of providing such services.

(l) Applies the Land and Water Conservation Fund Act to any federally owned area operated and maintained by a federal agency for outdoor recreation purposes.

Section 3. Renews the Secretary's expired authority to collect fees for commercial vehicles driving through the Delaware Water Gap National Recreation Area in Pennsylvania. Effective September 30, 2005, the park would be closed to commercial vehicles, except for local traffic. This section is identical to HR 536 as passed by the House of Representatives on March 14, 1995.

Section 4. Authorizes the Secretary to enter into challenge cost-share agreements with public or private entities to share the costs of authorized National Park Service activities.

Section 5. Authorizes the Secretary and certain National Park Service employees to seek donations for park purposes, subject to limitations established by guidelines.

Section 6. Allows the Federal government to recover the cost of damages to national park resources and the Secretary to use the money collected to repair damages. This authority would be provided by amending P.L. 101-337, which authorizes the Secretary to re-

cover the cost of damages to national park marine resources, to cover damages to all national park resources.

ADDITIONAL COSPONSORS

S. 426

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 585

At the request of Mr. SHELBY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 585, a bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes.

S. 607

At the request of Mr. WARNER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 691

At the request of Mr. SHELBY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 724

At the request of Mr. KOHL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 724, a bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention Programs to make grants to States and units of local government to assist in providing secure facilities for violent and chronic juvenile offenders, and for other purposes.

S. 890

At the request of Mr. KOHL, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 890, a bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes.